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**FILED**  
DISTRICT COURT OF GUAM

MAR 21 2006

MARY L.M. MORAN  
CLERK OF COURT

IN THE DISTRICT COURT OF GUAM

MARUWA SHOKAI GUAM, INC.,

Plaintiff,

vs.

M/V KANA-MARU NO. 1, et al.,

Defendant.

CIVIL CASE NO. 00-00029

*ARM*  
~~PROPOSED~~ ORDER GRANTING  
OWNERSHIP OF VESSEL TO  
PLAINTIFF IN INTERVENTION,  
SANKO BUSSAN CO., LTD.

M/V KANA-MARU NO. 1, et al.,

Counterclaim-Plaintiff,

vs.

MARUWA SHOKAI GUAM, INC.

Counterclaim-Defendant,

and

SANKO BUSSAN CO., LTD.

Claimant/Plaintiff-in-  
Intervention.

On November 7, 2005, Plaintiff in intervention, Sanko Bussan Co. Ltd., filed a pleading entitled Notice of Repossession of Vessel Under Stipulated Judgment [and] Request For An Order To Transfer Ownership Of Vessel To Plaintiff In Intervention, Sanko Bussan Co., Ltd., together with supporting Exhibits A-C.

According to Sanko Bussan's pleading, and the records and files in this action, Plaintiff Maruwa Shokai filed this admiralty case in 2000. Sanko Bussan intervened to assert a maritime lien on the KANA MARU No. 1 (the "vessel"), as well as other *in personam* claims against Toshihiko Ikema, the vessel owner. After a trial on the underlying action brought by Maruwa Shokai, District Judge Alex R. Munson presiding, Sanko Bussan's *in rem* maritime lien and *in personam* claim against Ikema were adjudicated by way of a Stipulated Judgment and Order filed June 12, 2001 (the "Judgment"). That Judgment is attached to Sanko's pleading as Exhibit A. Among other things, the Judgment provides for continuing jurisdiction by the Court for purposes of enforcing the Judgment. Accordingly, it is hereby ADJUDGED, DECREED, and ORDERED that the Court assert continuing jurisdiction for purposes of enforcing the Judgment.

The Judgment establishes that Sanko Bussan's maritime lien on the vessel is for \$460,332.80, and that Sanko's *in personam* judgment against Toshihiko Ikema is for \$118,742.20.

Sanko Bussan's pleading and the Exhibits attached thereto, in particular Exhibits A and B, demonstrate Ikema has defaulted on his obligations to pay the *in rem* judgment for the maritime lien and the *in personam* judgment.

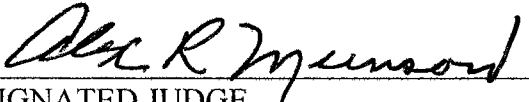
Sanko's pleading and the Exhibits also establish that, in compliance with the terms of the Judgment, Sanko provided Ikema with written notice of the default ("Notice"), and demanded that Ikema cure the default by payment, or by proposing a payment schedule acceptable to

Sanko; further, Sanko's pleading and Exhibit C thereto establish that the Notice of default and demand for payment were actually and properly delivered to Ikema. Ikema has failed to timely respond to the Notice and Sanko Bussan's demand for cure of the default by payment, or otherwise.

Accordingly, it is hereby ADJUDGED, DECREED, and ORDERED that Ikema is in default, was served with the Notice of default and demand for payment on October 20, 2005, and that Ikema has not cured the default by payment, or otherwise responded to Sanko Bussan, within fifteen (15) days, as required by the Judgment and the Notice.

The Judgment authorized Sanko Bussan to use self-help to repossess the vessel. The Judgment further provides that, subsequent to repossession by Sanko Bussan, the Court shall determine ownership and legal title to the vessel. Accordingly, it is hereby ADJUDGED, DECREED, and ORDERED that, effective the date this Order is filed, ownership of and legal title to the vessel shall vest with Sanko Bussan.

SO ORDERED: 3-21-06

  
DESIGNATED JUDGE  
District Court of Guam

**RECEIVED**  
NOV - 7 2005  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM